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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION ONE

Conservatorship of the Person and Estate of
Lawrence P.

PUBLIC GUARDIAN OF CONTRA
COSTA COUNTY,

Petitioner and Respondent,

v.

Lawrence P.,

Objector and Appellant.

A145339

(Contra Costa County
Super. Ct. No. P1500596)

A jury found appellant Lawrence P. to be gravely disabled, and the trial court appointed the public guardian as his conservator and imposed disabilities on him under the Lanterman-Petris-Short Act.¹ On appeal, Lawrence argues that insufficient evidence supports the finding and order. We disagree, and we therefore affirm.

I.
FACTUAL AND PROCEDURAL
BACKGROUND

Lawrence came to the attention of the public guardian after it received reports that Lawrence was living in a shed in his mother's backyard in an unincorporated area of San Pablo and was suspected of slashing the tires of cars parked nearby. When deputies

¹ The Act is found at Welfare and Institutions Code section 5000 et sequitur. All statutory references are to the Welfare and Institutions Code unless otherwise specified.

responded to the area and tried to gain access to the home, Lawrence carried a loaded semi-automatic assault rifle and loaded revolver onto his mother's roof. Lawrence cursed at the deputies when they told him to come down and told them to get away from his house. After about two hours of negotiations, deputies climbed up to the roof and arrested Lawrence. Lawrence was taken to Napa State Hospital for a mental evaluation, and doctors concluded that he was unable to provide for himself because his self-care plan was "deeply based on grandiose and paranoid thinking related to property he owns and money he believes he has." Lawrence stayed at Napa State Hospital for more than a year.

In April 2015, the public guardian filed a conservatorship petition. The petition alleged that Lawrence was gravely disabled as a result of a mental disorder and was unable to manage his financial resources. The petition also recommended the imposition of disabilities under section 5357. These disabilities included that he be denied the right or privilege to have a license to operate a motor vehicle (subd. (a)); to enter into contracts on his own (subd. (b)); to refuse treatment related to his being gravely disabled (subd. (d)); and to possess firearms and other deadly weapons (subd. (f)). Lawrence denied he was gravely disabled and requested a jury trial.

Testimony of Lawrence

The public guardian called Lawrence as a witness at trial. He testified about the state hospitals where he had been treated over the years, explaining that his motorcycle had been stolen while he was staying at one of them and that he "was kidnapped basically" by the hospital. Lawrence also complained that at another hospital, people took "a trunk full of money" and "when they finally got around to letting me go my Ferrari was gone. I still have a problem with that." Lawrence speaks to psychiatrists at the hospitals for only "moments at a time" because he insists on having lawyers present, which the psychiatrists do not allow. Lawrence does not believe that he has a mental disorder, although he has been told he is schizophrenic.

When asked whether he has an income, Lawrence testified, "I'm a professional guitarist and an entrepreneur. What is my income? As far as I'm concerned, that's none

of your business. But I make more than enough by far than—well, let's just say, the SSI check isn't enough for me to live on. And so I do other things as well, and they were supposed to change it to the SSU which is a much larger sum. But I haven't received that, and quite frankly I haven't actually even been getting the SSI. So I have been supporting myself anyway." Lawrence also was asked how he would provide for food, clothing, or shelter if he were released into the community. He claimed to have multiple accounts at four banks, and the last time he made a deposit the check "was over 36 figures." He further testified, "Well, I would go to my bank account. I would go into my wallet. I would buy myself something to eat if I was hungry, cook it or go out to eat depending on which I chose to do. As far as clothing, I would go into my closet. If it's been like in the past where I get out of the hospital and my things have been stolen at some point, I go to a clothing store and buy something else." Lawrence also testified that he would "cook something for myself or go and buy something to eat" at a grocery store or at a restaurant. He explained, "I like waffles. I like omelets. I like steaks. I like poultry. I like snack foods, and I am a sucker for cheesecake."

When asked where he would live, Lawrence testified, "I own multiple properties. One of them I'm not sure. It depends on what I am doing. I have things I have to take care of. It could be—well, I don't know what's going on with it at the moment, but I was in the process of spending \$4.5 million on a piece of property in Black Hawk Estates. I don't know if I can live there at the moment because of this incarceration and hospitalization that's been completely preposterous. I don't know what's going on as far as ownership of that particular property, so at this particular point in time, I wouldn't go to that property until I can locate the agent or go back through the bank." As for whether he had an alternative, Lawrence testified he would return to another piece of property he owns in San Pablo, a reference to his mother's home. According to Lawrence, his mother does not own the home she lives in: "The house was bought in my name. When it was re-mortgaged, I am the one that paid the mortgage. The property should be in my name." Lawrence testified that the grant deed showing his mother owned the home could have been altered. He also claimed that "there is a feud with someone [his mother] that

doesn't seem to comprehend that what she's done by not honoring the will of [Lawrence's father] is the most disrespectful thing she can do to my father's memory and the first man who loved her enough to marry her." Lawrence further testified that if returning to his mother's home was not possible, he had the ability to get a room at a motel or a shelter.

Lawrence also claimed to have owned a house since the 1980's near his mother's property that "was actually supposed to be torn down, but every time I go to visit there is usually someone living in it. There has been—and now these people by the name of E[.] P[.] or something like that are living there. From what I understand, they're not even American citizens. I never gave them permission to live there, and they shouldn't be on the property." In fact, there was a restraining order for Lawrence to stay away from the property.

Testimony of Veronique Peterson

Dr. Veronique Peterson, a licensed clinical psychologist who holds a Ph.D. in forensic psychology, testified as an expert in the field of psychology and the determination of whether a person suffers from a grave disability. Peterson evaluated Lawrence to determine whether he was able to use reason and judgment to follow a treatment plan and whether he was able to provide food, clothing, and shelter for himself. Peterson interviewed Lawrence twice, reviewed his medical records from Napa State Hospital as well as court records and the police report, and interviewed Lawrence's mother. Lawrence told Peterson about properties he believed he owned. He also believed several people had taken money from him: some had stolen from him for songs he had written, his aunt had taken money he had won in the lottery, and his mother had placed a bag of his money on a train headed to Los Angeles.

Peterson diagnosed Lawrence with psychotic disorder not otherwise specified (a "major medical illness") and opined that he was gravely disabled. She explained that a psychotic disorder "is where a person lacks appropriate awareness of their environment whether it's—you can think of it as suffering from hallucinations. So seeing things that other people cannot see or hearing things other people cannot hear. The individual

believes them to be true. They experience it as real, but no one else experiences this.” People with such disorders experience “disorganized” thinking, which makes it difficult for them to plan because “they are not able to organize themselves well enough to move from point A to point B to follow through on that plan, if they are able to make a plan.” Peterson concluded Lawrence had such a diagnosis because “he appears to have unusual thinking and some non bizarre delusions,^[2] so false beliefs that despite evidence otherwise and challenging his thoughts on this remain intact for him. Reviewing the records there was also some evidence of hallucinations; however, I did not experience those myself when I interviewed [Lawrence]. So I cannot rule those in, but I also cannot rule them out. He does appear to have some disorganized behavior again based on the records and talking with his mother where there’s an ability to make a vague plan, but an inability to follow through on those plans.”

Lawrence told Peterson he believed other people were trying to harm him. This concern affected what he was willing to eat, as he was concerned about eating food that was not sealed because it was possible people would try to put things in his food in order to harm him. According to Peterson, Lawrence’s belief that he does not have a mental disorder leaves him unlikely to follow any treatment or medication plan. And she believed Lawrence’s mental disorder affects his ability to provide food, clothing, or shelter because she “would be concerned about his ability to follow through on any plans that he made.” Peterson explained that “although he may be able to say, well, I would go to the grocery store and buy food, would he be able to gain access to funds to get to the store to buy the food to get it back home to cook and to remember to eat and then all—you know, refrigerating the food appropriately or storing the food appropriately as well as providing appropriate shelter for himself and following through on a plan for that or providing clothing for himself as well.” As far as Peterson was aware, Lawrence did not

² A non-bizarre delusion refers to a delusion that could be true but clearly is not (a “realistic false belief”), such as when a person insists that a glass of water is actually a can of soda, whereas a “bizarre delusion” refers to a situation that clearly could not happen, such as a person insisting he had three arms (a “fantastical false belief”).

have access to money, and his delusions affected his ability to care for himself because “he believes that he has an excess of money or is entitled to a high amount of funds, but yet is not able to access these funds, as well as I had talked with him, for instance, receiving Social Security for his disability. And he said although he could go into— although he could go into the office, which I’m at this point assuming he meant the Social Security office to get the funds, he did not want to do that.” On cross-examination, Peterson acknowledged that Lawrence was able to undertake self-care needs while at Napa State Hospital, ate his meals every day even though they were not in sealed containers, and was compliant with treatment (though he refused to take oral medication and was administered medication to treat his mental condition by injections).

Testimony of Lawrence’s Mother

Lawrence’s mother was subpoenaed to testify, and she appeared even though she did not want to. She testified that Lawrence had asked her to pay him rent “[s]o many times I can’t remember” and was “adamant” he owned her house even though it had been her sole property since 2005 when Lawrence’s father granted it to her through an interspousal transfer. Lawrence’s mother told him he could not live at the property, but he would climb over the fence every day and live in a storage shed in the backyard. When asked if Lawrence would be invited to live in her backyard if he was released, she testified, “Absolutely not.” According to Lawrence’s mother, Lawrence claimed to own two other homes in the area, and he believed that family members were keeping “millions and billions of dollars” from him.

Verdict and Disposition

The jury found that Lawrence was presently gravely disabled due to a mental disorder. After the jury was excused, the public guardian recommended that Lawrence be placed in a state hospital or a locked facility. County counsel also requested that the court impose the disabilities the conservator had requested and said further testimony could be provided on this issue. The court responded that it did not currently have enough information, and a hearing was scheduled for later that week.

Before the hearing, the trial court received a declaration from a deputy conservator recommending that Lawrence be placed in a state hospital or a mental health rehabilitation center. At the hearing, Lawrence's counsel argued that Lawrence should be placed in a board-and-care facility, a lower level of care. Although most of the hearing was devoted to Lawrence's placement in light of the available facilities, the court considered the requested imposition of disabilities and said it would review its notes on what should be imposed.

In its final rulings, the court appointed a mental-health conservator for Lawrence for one year, with the power to place him in a mental-health facility. It ordered Lawrence to be placed in either a mental health rehabilitation center or a state mental hospital, with directions that he be placed in a state hospital only if no rehabilitation centers would accept him. And the court adopted all the disabilities under section 5357 recommended by the public guardian. This court granted Lawrence's request for calendar preference.

II. DISCUSSION

A. Substantial Evidence Supports the Finding that Lawrence Is Gravely Disabled.

Lawrence argues that insufficient evidence was presented that he is gravely disabled. We disagree.

A conservatorship may only be placed on someone who is found beyond a reasonable doubt to be "gravely disabled as a result of a mental health disorder." (§ 5350.) "[I]n order to establish that a person is 'gravely disabled,' the evidence adduced must support an objective finding that the person, due to mental disorder, is incapacitated or rendered unable to carry out the transactions necessary for survival or otherwise provide for [the person's] basic needs of food, clothing, or shelter." (*Conservatorship of Smith* (1986) 187 Cal.App.3d 903, 909.) "In reviewing a conservatorship, we apply the substantial evidence standard to determine whether the record supports a finding of grave disability. The testimony of one witness may be sufficient to support such a finding. [Citation.] We review the record as a whole in the

light most favorable to the trial court judgment to determine whether it discloses substantial evidence. Substantial evidence, which is evidence that is reasonable, credible, and of solid value, also includes circumstantial evidence. [Citation.]” (*Conservatorship of Carol K.* (2010) 188 Cal.App.4th 123, 134.)

Lawrence apparently does not dispute in this proceeding that he has a mental disorder, but he contends that there was insufficient evidence that the disorder renders him unable to provide for his basic needs of food, clothing, or shelter. We first disagree with Lawrence’s characterization of Peterson’s testimony as “bald expert conclusion” because her opinion was based on two in-person interviews with him; a review of his medical, court, and police records; and an interview with Lawrence’s mother. Lawrence is incorrect when he contends that Peterson testified only generally about how people with Lawrence’s diagnosis behave, because she also testified that Lawrence displayed the characteristics of someone with that diagnosis. True, Peterson’s conclusion that Lawrence was gravely disabled because his delusions caused him to have trouble forming plans and following through with them was contradicted by Lawrence’s testimony that he could care for himself by, for example, “buy[ing] myself something to eat if I was hungry, cook[ing] it or go[ing] out to eat depending on which I chose to do.” But it was the jury’s role to weigh conflicting evidence, and we will not set aside its verdict given that substantial evidence supports it. (*Conservatorship of Isaac O.* (1987) 190 Cal.App.3d 50, 57 [appellate court may consider evidence supporting successful party and disregard contrary showing].)

This case is distinguishable from *Conservatorship of Smith, supra*, 187 Cal.App.3d 903, upon which Lawrence relies. In *Smith*, the appellate court found there was insufficient evidence to prove that the proposed conservatee, Smith, was gravely disabled because, notwithstanding some evidence of bizarre behavior, a psychiatrist testified that Smith was able to care for herself and other evidence showed that Smith would accept help from others. (*Id.* at pp. 907, 910-911.) *Smith* explained that there was “limited testimony adduced at trial” in that case, and the court’s conclusion might have changed “had more extensive testimony on the effect of appellant’s behavior

on her health and well-being been elicited, or a more thorough investigation properly introduced into evidence been presented.” (*Id.* at p. 910.)

Lawrence’s case stands in stark contrast to *Smith*. Dr. Peterson testified that Lawrence was not able to care for himself and was reluctant to accept help from others. She testified that his condition interfered with his ability to care for himself because he incorrectly believed he had access to money, and he refused to access a source of money that was available to him (Social Security benefits). And abundant evidence was presented that Lawrence’s condition led him to believe he could live on property he wrongly believed he owned and interfered with his ability to make realistic plans for the future. Lawrence faults Peterson for not explaining why Lawrence’s plan to return to his mother’s house was not feasible, but Lawrence’s mother specifically testified that he was not welcome to live on her property. In short, unlike in *Smith*, substantial evidence was presented here that the proposed conservatee, Lawrence, lacks the ability to provide for his own care and is gravely disabled. (See also *Conservatorship of Carol K.*, *supra*, 188 Cal.App.4th at p. 136.)

B. Substantial Evidence Supports the Imposition of Special Disabilities.

Lawrence next contends that substantial evidence does not support the imposition of special disabilities under section 5357, but we again disagree.

Where a person is found to be gravely disabled and a conservatorship is established, the court must separately consider imposing disabilities on the conservatee. (§ 5357; *Conservatorship of Christopher A.* (2006) 139 Cal.App.4th 604, 612.) The party seeking conservatorship has the burden of producing evidence to support the disabilities sought and also bears the burden of proof, and the conservatee may produce evidence in rebuttal. (*Christopher A.*, at p. 612 & fn. 5.) “[T]he record must disclose that the trial court was aware of the finding it was required to make before imposing the disabilities, that it considered the evidence proffered on the issue, and that it in fact made the finding.” (*K.G. v. Meredith* (2012) 204 Cal.App.4th 164, 179, citing *Conservatorship of Walker* (1989) 206 Cal.App.3d 1572, 1578.)

Lawrence complains that the trial court erred by relying on the investigator's report that was submitted with the original petition for appointment of a conservator in making its ruling because it contained inadmissible hearsay. But his argument ignores the other substantial evidence that supports the disabilities imposed. The public guardian presented ample evidence that Lawrence suffered delusional beliefs, which supports the order suspending his driving privilege and right to contract. (*Conservatorship of George H.* (2008) 169 Cal.App.4th 157, 166.) The trial court noted that Lawrence was at a high risk for violence based on his climbing the roof of his mother's home with an assault rifle, evidence that supported the order that Lawrence not be allowed to possess firearms. And it was all but undisputed that Lawrence did not believe he suffered from a mental disorder or needed medication, and there was evidence showing he was incapable of making rational decisions about medical treatment related to his disability, all of which supported the order that he not have the right to refuse treatment related to his being gravely disabled. (*K.G. v. Meredith, supra*, 204 Cal.App.4th at p. 180; *George H.*, at p. 166.) Relying on traditional rules of appellate review, we conclude that sufficient evidence supports the trial court's findings and orders. (*Conservatorship of Isaac O., supra*, 190 Cal.App.3d at p. 57.)

III. DISPOSITION

The judgment is affirmed.

Humes, P.J.

We concur:

Margulies, J.

Banke, J.

*Conservatorship of the Person
and Estate of Lawrence P. (A145339)*